

2003 DRAFTING REQUEST

Bill

Received: **09/27/2002**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Tom Hebl (608) 266-7678**

By/Representing: **Molly**

This file may be shown to any legislator: **NO**

Drafter: **dkennedy**

May Contact:

Addl. Drafters:

Subject: **Mental Health - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Hebl@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Require guardian spouse to account as directed by court, rather than annually

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/1	dkennedy 11/17/2002	jdye 11/18/2002	jfrantze 11/18/2002	_____	mbarman 11/18/2002		
/2	dkennedy 01/14/2003	jdye 01/15/2003 jdye	chaskett 01/16/2003	_____ _____ _____	lemery 01/16/2003		

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		01/15/2003		_____			
/3	dkennedy 01/17/2003	jdye 01/20/2003	jfrantze 01/21/2003	_____	mbarman 01/21/2003		
/4	dkennedy 02/25/2003	jdye 02/26/2003	jfrantze 02/26/2003	_____	sbasford 02/26/2003		
/5	dkennedy 02/27/2003	jdye 03/03/2003	pgreensl 03/03/2003	_____	lemery 03/03/2003	mbarman 04/23/2003	

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Handwritten notes: 153/3 JLD, 3/3 P8, P8, Ph

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4 2/26 jd 2/26 J Pg
226

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		jdyer		_____			

3 1/20 jld 11/21 J/K
1/21

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FE Sent For:

1 11/18 JLD 11/18 11/18
<END>

9/9/02

Molly 6-7678

Hebl

Amend s. 880.25 so that in the case in which one spouse is the guardian of the other spouse, the guardian does not have to do an annual accounting.

Instead, the guardian must account as directed by the courts. Court sets dates in its discretion.



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0280/1

DAK:.....

Jld

2003 BILL

submittal of an account of a ward's estate by a guardian who is the ward's spouse.

GO

1

AN ACT ...; relating to: ~~W~~

Analysis by the Legislative Reference Bureau

Under current law, if a court finds an individual to be incompetent, the court appoints a guardian whose ward is the individual. The guardian functions as the guardian of the ward's estate and of the ward's person, unless the court appoints separate guardians of the estate and person. The guardian of the estate takes possession of all of the ward's property and income and must protect and preserve the property and income as directed by the court and in the ward's best interests. Annually, by April 15 or within 60 days after the anniversary date of the guardian's qualification as guardian, the guardian must file with the court for inspection an account that specifies the amount of property of the ward that is held or invested by the guardian, the nature and manner of the investment, and the receipts and expenditures for the previous calendar year. If the ward's estate is less than \$1,000[✓] in value, the guardian must file an account only on termination of the guardianship.

This bill eliminates the requirement for a guardian to submit an annual accounting of the ward's estate if the guardian is the spouse of the ward. Instead, the guardian spouse must submit an account under any time limits that the court directs.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2

SECTION 1. 880.25 (1)^X of the statutes is amended to read:

BILL

1 880.25 (1) ANNUAL REPORTS. ~~Every~~ Except as provided in sub. (3), every
2 guardian, except a corporate guardian or a guardian who is the spouse of the
3 guardian's ward, shall, prior to April 15 of each year, file an account under oath
4 specifying the amount of property received and held or invested by the guardian, the
5 nature and manner of the investment, and the guardian's receipts and expenditures
6 during the preceding calendar year. When ordered by the court, the guardian shall
7 within 30 days render and file a like account for any shorter term. In lieu of the filing
8 of these accounts before April 15 of each year, the court may, by appropriate order
9 upon motion of the guardian, direct the guardian of an estate to thereafter render
10 and file the annual accountings within 60 days after the anniversary date of the
11 guardian's qualification as guardian, with the accounting period from the
12 anniversary date of qualification to the ensuing annual anniversary date. A
13 guardian who is the spouse of the guardian's ward shall submit an accounting of the
14 ward's estate under any time limit that the court directs. When any guardian of a
15 minor has custody of the ward and the care of the ward's education, the guardian's
16 report shall state the time that the ward attended school during the time for which
17 the account is rendered and the name of the school. The guardian shall also report
18 any change in the status of the surety upon the guardian's bond.

19 History: 1971 c. 41 s. 8; Stats. 1971 s. 880.25; 1987 a. 220, 403; 1993 a. 486.

(END)

INSERT 2-18 ✓

2003

INSERT 2-18

Nonstat File Sequence:

EEE

LRB _____/____

_____:_____:____

INITIAL APPLICABILITY

1. In the component bar:

For the action phrase, execute: create → action: → *NS: → inappl

For the budget action phrase, execute: create → action: → *NS: → 93XX

For the text, execute: create → text: → *NS: → inappl

2. Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9300 department code.

SECTION # ____ [93 ____]. Initial applicability;

(#1) () ,

The treatment of sections ..

..... of the statutes
first applies to

1. In the component bar:

For the action phrase, execute: create → action: → *NS: → inappl

For the text, execute: create → text: → *NS: → inapplA

2. Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed.

SECTION # ____ . Initial applicability;^(c)

.....

(#1) ^{CS} SUBMITTAL OF ACCOUNT BY SPOUSE GUARDIAN. This act first
applies to submittal of an account by a guardian who
is the spouse of the guardian's ward.

on the effective
date of this subsection

[rev: 9/17/02 2003inappl(fm)]

(end ins)

TELEPHONE DRAFTING INSTRUCTIONS

Drafting instructions received by Debora Kennedy.

DATE: 4/14/03

CONVERSATION WITH: Rep. Hebl

OF:

TELEPHONE NO: 6-7678

REGARDING LRB # OR DRAFT TOPIC: 0280/1

INSTRUCTIONS: Redraft

Does not want to eliminate
request for spouse guardian to file
acct; wants to permit court to make
it optional, in its discretion.



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0280/22

DAK:jld

2003 BILL

for a guardian who is
the ward's spouse,

NO # authorizes a court to establish any
time limit for submittal of an accounting
of the ward's estate ~~for a guardian who~~
~~is the ward's spouse~~ or to waive the
requirement

, other than
a corporate
guardian,

Reger

1 AN ACT to amend 880.25 (1) of the statutes; relating to: submittal of an account
2 of a ward's estate by a guardian who is the ward's spouse.

Analysis by the Legislative Reference Bureau

Under current law, if a court finds an individual to be incompetent, the court appoints a guardian whose ward is the individual. The guardian functions as the guardian of the ward's estate and of the ward's person, unless the court appoints separate guardians of the estate and person. The guardian of the estate takes possession of all of the ward's property and income and must protect and preserve the property and income as directed by the court and in the ward's best interests. Annually, by April 15 or within 60 days after the anniversary date of the guardian's qualification as guardian, the guardian must file with the court for inspection an account that specifies the amount of property of the ward that is held or invested by the guardian, the nature and manner of the investment, and the receipts and expenditures for the previous calendar year. If the ward's estate is less than \$1,000 in value, the guardian must file an account only on termination of the guardianship.

This bill eliminates the requirement for a guardian to submit an annual accounting of the ward's estate if the guardian is the spouse of the ward. Instead, the guardian spouse must submit an account under any time limits that the court directs.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

BILL

LRB-0280/1

DAK:jld:jf

SECTION 1

1 ^{Fix} ~~Component~~ SECTION 1. 880.25 (1) of the statutes is amended to read:

2 880.25 (1) ANNUAL REPORTS. ^{(a)(intro.)} Every ~~Except as provided in sub (1)(B)~~ every

3 guardian, ~~except a corporate guardian or a guardian who is the spouse of the~~
 4 ~~guardian's ward~~, shall, prior to April 15 of each year, file an account under oath

5 ~~specifying~~ ^{that specifies} the amount of property received and held or invested by the guardian, the
 6 nature and manner of the investment, and the guardian's receipts and expenditures

7 during the preceding calendar year. ^{strike} ~~When ordered by the court, the guardian shall~~

8 ~~within 30 days~~ ^{to} render and file ^{less than a year} a like account for ~~any shorter term~~. ^{#2.} In lieu of the filing
 9 of these accounts before April 15 of each year, the court may, by appropriate order

10 upon motion of the guardian, direct the guardian of an estate to ~~thereafter~~ render
 11 and file the annual accountings within 60 days after the anniversary date of the

12 guardian's qualification as guardian, with the accounting period from the
 13 anniversary date of qualification to the ensuing annual anniversary date.

14 ~~guardian who is the spouse of the guardian's ward shall submit an accounting of the~~
 15 ~~ward's estate under any time limit that the court directs.~~ ^{For a} When any guardian of a

16 minor has custody of the ward and the care of the ward's education, the guardian's
 17 report shall state the time that the ward attended school during the time for which

18 the account is rendered and the name of the school. ^(c) ^A ~~The~~ guardian shall also report

19 [✓] any change in the status of the surety upon the guardian's bond.

20 INSERT 2-19

21 **SECTION 2. Initial applicability.**

22 (1) SUBMITTAL OF ACCOUNT BY ~~spouse~~ [✓] GUARDIAN. This act first applies to
 23 submittal on the effective date of this subsection of an account by a guardian ~~who is~~

24 ~~the spouse of the guardian's ward~~

(END)

*, the court may establish any time limit for
 submittal of an accounting of the ward's estate or
 may waive the requirement*

*renumbered
 880.25(1)(a)(intro.)
 and*

*follows
 and
 except
 for a
 corporate
 guardian*

*The
 court
 may
 order*

4.

#(b)

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0280/2ins
DAK:jld:jf

INSERT 2-19

- 1 SECTION 1. 880.25 (3) (title) ^x of the statutes is repealed.
- 2 SECTION 2. 880.25 (3) ^x of the statutes is renumbered 880.25 (1) (a) 3. [✓]
- 3 SECTION 3. 880.60 (10) (a) [✓] of the statutes is amended to read:
- 4 880.60 (10) (a) Every guardian shall file his or her accounts as required by this
- 5 chapter and shall be excused from filing accounts in the case as provided by s. 880.25
- 6 (3) (1) (a) [✓].

History: 1971 c. 41 ss. 8, 12; Stats. 1971 s. 880.60; 1973 c. 284; 1973 c. 333 s. 201m; 1979 c. 89; 1983 a. 189; 1989 a. 56; 1993 a. 486; 1999 a. 63, 85.

SECTION # 880.25(1)(a) 4. ; CR

880.25 (1) (a) 4. For a guardian who is the spouse of the guardian's ward, the court may establish any time limit for submittal of an accounting of the ward's estate or may waive the requirement.



STEPHEN R. MILLER
CHIEF

State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
P. O. BOX 2037
MADISON, WI 53701-2037

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

REFERENCE SECTION: (608) 266-0341
REFERENCE FAX: (608) 266-5648

January 17, 2003

MEMORANDUM

To: Representative Tom Hebl

From: *DAK*
Debora A. Kennedy, Managing Attorney

Subject: Statutory language for LRB-0280/3

As you requested in our telephone conversation today, I have redrafted your bill concerning submittal of an account of a ward's estate by a guardian who is the ward's spouse; I apologize for any error I made in interpreting your request for the first redraft.

The following, as I promised to provide to you, is the way that the statutes would appear after enactment (without amendment) of the bill that now is LRB-0280/3:

"880.25 (1) (a) Except as follows and except for a corporate guardian, every guardian shall, prior to April 15 of each year, file an account under oath that specifies the amount of property received and held or invested by the guardian, the nature and manner of the investment, and the guardian's receipts and expenditures during the preceding calendar year:

1. The court may order the guardian to render and file, within 30 days, a like account for less than a year.

2. In lieu of the filing of these accounts before April 15 of each year the court may, by appropriate order upon motion of the guardian, direct the guardian of an estate to render and file the annual accountings within 60 days after the anniversary date of the guardian's qualification as guardian, with the accounting period from the anniversary date of qualification to the ensuing annual anniversary date.

3. When the whole estate of a ward or of several wards jointly, under the same guardianship, does not exceed \$1,000 in value, the guardian shall be required to render account only upon the termination of the guardian's guardianship, unless otherwise ordered by the court.

4. For a guardian who is the spouse of the guardian's ward, the court may waive the requirement for submittal of an annual accounting of the ward's estate.

(b) When any guardian of a minor has custody of the ward and the care of the ward's education, the guardian's report shall state the time that the ward attended school during the time for which the account is rendered and the name of the school.

(c) A guardian shall also report any change in the status of the surety upon the guardian's bond.

880.60 (10) (a) Every guardian shall file his or her accounts as required by this chapter and shall be excused from filing accounts in the case as provided by s. 880.25 (1) (a)."

In essence, I grouped exceptions to the annual accounting requirement under s. 880.25 (1) (a). Since the other provisions are not exceptions, but are, instead, further requirements, I renumbered them as s. 880.25 (1) (b) and (c). If this explanation is unclear or if you have further problems with the draft, please do not hesitate to let me know.



2003 BILL

Regen

1 AN ACT *to repeal* 880.25 (3) (title); *to renumber* 880.25 (3); *to renumber and*
2 *amend* 880.25 (1); *to amend* 880.60 (10) (a); and *to create* 880.25 (1) (a) 4. of
3 the statutes; **relating to:** submittal of an account of a ward's estate by a
4 guardian who is the ward's spouse.

Analysis by the Legislative Reference Bureau

Under current law, if a court finds an individual to be incompetent, the court appoints a guardian whose ward is the individual. The guardian functions as the guardian of the ward's estate and of the ward's person, unless the court appoints separate guardians of the estate and person. The guardian of the estate takes possession of all of the ward's property and income and must protect and preserve the property and income as directed by the court and in the ward's best interests. Annually, by April 15 or within 60 days after the anniversary date of the guardian's qualification as guardian, the guardian, other than a corporate guardian, must file with the court for inspection an account that specifies the amount of property of the ward that is held or invested by the guardian, the nature and manner of the investment, and the receipts and expenditures for the previous calendar year. If the ward's estate is less than \$1,000 in value, the guardian must file an account only on termination of the guardianship.

BILL

This bill authorizes a court, for a guardian who is the ward's spouse, to ~~establish any time limit~~ for submittal of an accounting of the ward's estate ~~or to waive the requirement.~~

Annual

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 880.25 (1) of the statutes is renumbered 880.25 (1) (a) (intro.) and
2 amended to read:

3 880.25 (1) (a) (intro.) Every Except as follows and except for a corporate
4 guardian, every guardian, except a corporate guardian, shall, prior to April 15 of each
5 year, file an account under oath specifying that specifies the amount of property
6 received and held or invested by the guardian, the nature and manner of the
7 investment, and the guardian's receipts and expenditures during the preceding
8 calendar year.;

9 1. When ordered by the court, The court may order the guardian shall within
10 30 days to render and file, within 30 days, a like account for any shorter term less
11 than a year.

12 2. In lieu of the filing of these accounts before April 15 of each year, the court
13 may, by appropriate order upon motion of the guardian, direct the guardian of an
14 estate to thereafter render and file the annual accountings within 60 days after the
15 anniversary date of the guardian's qualification as guardian, with the accounting
16 period from the anniversary date of qualification to the ensuing annual anniversary
17 date.

18 (b) When any guardian of a minor has custody of the ward and the care of the
19 ward's education, the guardian's report shall state the time that the ward attended
20 school during the time for which the account is rendered and the name of the school.

The

BILL

(1) (c) ~~The~~ A guardian shall also report any change in the status of the surety upon
the guardian's bond.

SECTION 2. 880.25 (1) (a) 4. of the statutes is created to read:

880.25 (1) (a) 4. For a guardian who is the spouse of the guardian's ward, the
court may ~~establish any time limit for submittal of an accounting of the ward's estate~~ ✓

~~or may~~ waive the requirement.

*for submittal of an annual accounting
of the ward's
estate*

SECTION 3. 880.25 (3) (title) of the statutes is repealed.

SECTION 4. 880.25 (3) of the statutes is renumbered 880.25 (1) (a) 3.

SECTION 5. 880.60 (10) (a) of the statutes is amended to read:

880.60 (10) (a) Every guardian shall file his or her accounts as required by this
chapter and shall be excused from filing accounts in the case as provided by s. 880.25
(3) (1) (a).

SECTION 6. Initial applicability.

(1) SUBMITTAL OF ACCOUNT BY GUARDIAN. This act first applies to submittal on
the effective date of this subsection of an account by a guardian.

(END)

Kennedy, Debora

From: Hoglund, Lindsay
Sent: Wednesday, February 05, 2003 2:41 PM
To: Kennedy, Debora

Hi Debora,

I know that you've worked with Tom a NUMBER of times (sorry about all the confusion) but he has got a couple of more changes that he would like to see in the guardianship legislation. The Dane County Circuit Court Commissioners have a couple of suggestions listed in the letter below. Would it be possible to once again redraft this bill?

Please feel free to call us or Tom at his law office (608.837.4325) with any questions.

Thank you for your help and your patience.

Lindsay Hoglund
Office of Representative Tom Hebl
(608)266-7678

encl.



guardian
legislation.pdf

**DANE COUNTY CIRCUIT COURT
PROBATE OFFICE**

**210 MARTIN LUTHER KING JR BLVD - ROOM 305
MADISON, WISCONSIN 53703-3344
TELEPHONE (608) 266-4331**

REGISTER IN PROBATE
PROBATE REGISTRAR
Daniel A. Breunig

COURT COMMISSIONERS.....
Daniel A. Breunig
Peggy J. Young
David A. Flesch
Marjorie Schuett



GUARDIANSHIP
ADMINISTRATOR
Susan L. Podebradsky

SUPPORT STAFF
Susan E. Miller
Lorraine Steinhauer
Cindy Stockwell

January 27, 2003

STATE REPRESENTATIVE THOMAS HEBL
STATE CAPITOL
P. O. BOX 8952
MADISON WI 53708

Re: Guardianship Accountings for Married Wards

Dear Representative Hebl:

Thank you for sending our office a copy of the proposed changes to Wis. Stat. §880.25, which would exempt a spouse from filing an annual account. After discussing the proposal, we agreed that I would send a response on behalf of the office.

We feel that your proposal is an excellent idea. Every year our guardianship administrator meets with spouses who cannot understand why after many years of marriage where everything was considered "ours" they now have to separate income and assets between "his and hers." At a time when their main focus is getting the best possible care for their spouse, the current law forces them to struggle with an artificial accounting that has little benefit to anyone. Your proposal will provide much needed relief to these spouses.

We would like to suggest that the exemption proposal be extended to any guardian of a married ward. We have many cases where a child is named the guardian of the estate of one spouse and is also assisting the other spouse in handling their financial affairs on an informal basis or through a durable power of attorney. The guardian in these cases faces the same difficulties as the guardian-spouse in trying to separate the family finances between the two spouses. Attached is some language we hope would accomplish this.

Thank you for allowing us to make comments on the proposed changes. If you have any questions or if you would need anyone to testify in support of your bill, please call me.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel A. Breunig", is written over the word "Sincerely,".

Daniel A. Breunig

Waiver of Filing Guardianship Accounts for Married Wards

The court may waive the requirement for submittal of annual accounts for married wards. In doing so, the court may consider the following factors:

- 1) relationship of the guardian to the ward;
- 2) assets and income of the ward;
- 3) length of marriage;
- 4) children the ward has who are not of this marriage;
- 5) existence of a power of attorney for finances for either spouse;
- 6) living arrangements of both spouses.

Kennedy, Debora

From: Kennedy, Debora
Sent: Tuesday, February 11, 2003 11:50 AM
To: Hoglund, Lindsay
Subject: LRB 03-0280, the guardianship draft

Lindsay, I've received your redraft instructions for this bill. I called and left you a message, the gist of which is this: Does Representative Hebl want the factors that a court must consider (as suggested by Mr. Breunig, the Probate Registrar) to be applied to the situation where a guardian is the spouse of the ward or only in the situations where the ward is married (but not to the guardian)?

Debora A. Kennedy
Managing Attorney
Legislative Reference Bureau
(608) 266-0137
debora.kennedy@legis.state.wi.us

TELEPHONE DRAFTING INSTRUCTIONS

Drafting instructions received by Debora Kennedy.

DATE:

2/25/03

CONVERSATION
WITH:

Dan Breunig

OF:

Probate Registrar

TELEPHONE NO:

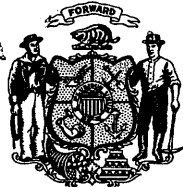
REGARDING LRB #
OR DRAFT TOPIC:

0280

INSTRUCTIONS:

Q: Does Reg Hebl want the factors that a ct. must consider to be applied to the situation where a guardian is the spouse of the ward or only in the situations where the ward is married (but not ^{necessarily} to the guardian)?

Mr. Breunig: where ward is married



2003 BILL

Reger

by a guardian married

- 1 AN ACT *to repeal* 880.25 (3) (title); *to renumber* 880.25 (3); *to renumber and*
2 *amend* 880.25 (1); *to amend* 880.60 (10) (a); and *to create* 880.25 (1) (a) 4. of
3 the statutes; **relating to:** submittal of an account of a ward's estate ~~by a~~
4 ~~guardian who is the ward's spouse.~~

Analysis by the Legislative Reference Bureau

Under current law, if a court finds an individual to be incompetent, the court appoints a guardian whose ward is the individual. The guardian functions as the guardian of the ward's estate and of the ward's person, unless the court appoints separate guardians of the estate and person. The guardian of the estate takes possession of all of the ward's property and income and must protect and preserve the property and income as directed by the court and in the ward's best interests. Annually, by April 15 or within 60 days after the anniversary date of the guardian's qualification as guardian, the guardian, other than a corporate guardian, must file with the court for inspection an account that specifies the amount of property of the ward that is held or invested by the guardian, the nature and manner of the investment, and the receipts and expenditures for the previous calendar year. If the ward's estate is less than \$1,000 in value, the guardian must file an account only on termination of the guardianship.

BILL

✓
of a
married
ward

This bill authorizes a court, for a guardian ~~who is the ward's spouse~~, to waive the requirement for submittal of an annual accounting of the ward's estate.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 880.25 (1) of the statutes is renumbered 880.25 (1) (a) (intro.) and
2 amended to read:

3 880.25 (1) (a) (intro.) ~~Every~~ Except as follows and except for a corporate
4 guardian, every guardian, except a corporate guardian, shall, prior to April 15 of each
5 year, file an account under oath ~~specifying~~ that specifies the amount of property
6 received and held or invested by the guardian, the nature and manner of the
7 investment, and the guardian's receipts and expenditures during the preceding
8 calendar year.

9 1. When ordered by the court, The court may order ✓ the guardian shall within
10 30 days to render and file, within 30 days, a like account for any shorter term less
11 than a year.

12 2. In lieu of the filing of these accounts before April 15 of each year, the court
13 may, by appropriate order upon motion of the guardian, direct the guardian of an
14 estate to ~~thereafter~~ render and file the annual accountings within 60 days after the
15 anniversary date of the guardian's qualification as guardian, with the accounting
16 period from the anniversary date of qualification to the ensuing annual anniversary
17 date.

18 (b) When any guardian of a minor has custody of the ward and the care of the
19 ward's education, the guardian's report shall state the time that the ward attended
20 school during the time for which the account is rendered and the name of the school.

21 The

BILL

(c) A guardian shall also report any change in the status of the surety upon the guardian's bond. ✓ of a married

SECTION 2. 880.25 (1) (a) 4. of the statutes is created to read:

880.25 (1) (a) 4. For a guardian ~~who is the spouse of the guardian's ward~~, the court may waive the requirement for submittal of an annual accounting of the ward's estate.

SECTION 3. 880.25 (3) (title) of the statutes is repealed.

SECTION 4. 880.25 (3) of the statutes is renumbered 880.25 (1) (a) 3.

SECTION 5. 880.60 (10) (a) of the statutes is amended to read:

880.60 (10) (a) Every guardian shall file his or her accounts as required by this chapter and shall be excused from filing accounts in the case as provided by s. 880.25 (3) (1) (a).

SECTION 6. Initial applicability.

(1) SUBMITTAL OF ACCOUNT BY GUARDIAN. This act first applies to submittal on the effective date of this subsection of an account by a guardian.

(END)



(SOON - In edit 2/27)
State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0280/4 5

DAK:jld:jf

2003 BILL

Regen

annual ✓

- 1 AN ACT *to repeal* 880.25 (3) (title); *to renumber* 880.25 (3); *to renumber and*
2 *amend* 880.25 (1); *to amend* 880.60 (10) (a), and *to create* 880.25 (1) (a) 4. of
3 the statutes; **relating to:** submittal of an account by a guardian of a married
4 ward ~~to create~~.

✓ the estate of

Analysis by the Legislative Reference Bureau

Under current law, if a court finds an individual to be incompetent, the court appoints a guardian whose ward is the individual. The guardian functions as the guardian of the ward's estate and of the ward's person, unless the court appoints separate guardians of the estate and person. The guardian of the estate takes possession of all of the ward's property and income and must protect and preserve the property and income as directed by the court and in the ward's best interests. Annually, by April 15 or within 60 days after the anniversary date of the guardian's qualification as guardian, the guardian, other than a corporate guardian, must file with the court for inspection an account that specifies the amount of property of the ward that is held or invested by the guardian, the nature and manner of the investment, and the receipts and expenditures for the previous calendar year. If the ward's estate is less than \$1,000 in value, the guardian must file an account only on termination of the guardianship.

BILL✓
INSERT ANAL

This bill authorizes a court, for a guardian of a married ward, to waive the requirement for submittal of an annual accounting of the ward's estate.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

✓
1 **SECTION 1.** 880.25 (1) of the statutes is renumbered 880.25 (1) (a) (intro.) and
2 amended to read:

3 880.25 (1) (a) (intro.) Every Except as follows and except for a corporate
4 guardian, every guardian, except a corporate guardian, shall, prior to April 15 of each
5 year, file an account under oath specifying that specifies the amount of property
6 received and held or invested by the guardian, the nature and manner of the
7 investment, and the guardian's receipts and expenditures during the preceding
8 calendar year. ~~When ordered by the court,;~~

9 1. The court may order the guardian shall within 30 days to render and file,
10 within 30 days, a like account for any shorter term less than a year.

11 2. In lieu of the filing of these accounts before April 15 of each year, the court
12 may, by appropriate order upon motion of the guardian, direct the guardian of an
13 estate to ~~thereafter~~ render and file the annual accountings within 60 days after the
14 anniversary date of the guardian's qualification as guardian, with the accounting
15 period from the anniversary date of qualification to the ensuing annual anniversary
16 date.

17 (b) When any guardian of a minor has custody of the ward and the care of the
18 ward's education, the guardian's report shall state the time that the ward attended
19 school during the time for which the account is rendered and the name of the school.

20 The

BILL

1 (c) A guardian shall also report any change in the status of the surety upon the
2 guardian's bond. ✓

3 SECTION 2. 880.25 (1) (a) 4. of the statutes is created to read: ✓

4 880.25 (1) (a) 4. (intro.) For a guardian of a married ward, the court may waive the
5 requirement for submittal of an annual accounting of the ward's estate. (intro.) ✓

6 SECTION 3. 880.25 (3) (title) of the statutes is repealed. ✓

7 SECTION 4. 880.25 (3) of the statutes is renumbered 880.25 (1) (a) 3. ✓

8 SECTION 5. 880.60 (10) (a) of the statutes is amended to read: ✓

9 880.60 (10) (a) Every guardian shall file his or her accounts as required by this
10 chapter and shall be excused from filing accounts in the case as provided by s. 880.25
11 (3) (1) (a). ✓

12 SECTION 6. Initial applicability.

13 (1) SUBMITTAL OF ACCOUNT BY GUARDIAN. This act first applies to submittal on
14 the effective date of this subsection of an account by a guardian.

15 (END)

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0280/5ins
DAK:jld:jf

not *has any* *whether*
INSERT ANAL
, after first considering any relationship of the guardian to the ward, the ward's assets and income; the length of the ward's current marriage; ~~any of~~ the ward's children who are not children of the ward's current marriage; whether the ward or his or her spouse has a valid financial power of attorney; and the living arrangements of the ward and his or her spouse ~~NOT~~

INSERT 3-5

SECTION 1. 880.25 (1) (a) 4. a. to f. of the statutes is created to read:

880.25 (1) (a) 4. a. The relationship, if any, of the guardian to the ward.

b. The assets and income of the ward.

c. The length of the ward's current marriage.

d. *Any* children of the ward who are not children of the ward's current marriage.

✓ e. Whether the ward or his or her spouse has a valid power of attorney under ch. 243.

f. The living arrangements of the ward and his or her spouse.

whether

exist

Barman, Mike

From: Hoglund, Lindsay
Sent: Wednesday, April 23, 2003 2:45 PM
To: LRB.Legal
Subject: Draft review: LRB 03-0280/5 Topic: Require guardian spouse to account as directed by court, rather than annually

It has been requested by <Hoglund, Lindsay> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-0280/5 Topic: Require guardian spouse to account as directed by court, rather than annually